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U.S. House of Representatives
Washington, DC 20515
january6th.house.gov
(202) 225-7800

One Hundred Seventeenth Congress

Select Committee to Investigate the January 6th Attack on the United States Capitol

August 25, 2021

The Honorable Lloyd J. Austin III
Secretary
Department of Defense
1000 Defense Pentagon
Washington, DC 20528

Dear Secretary Austin:

The Select Committee to Investigate the January 6th Attack on the United States Capitol is examining the facts, circumstances, and causes of the attack and relating to the peaceful transfer of power, in order to identify and evaluate lessons learned and to recommend corrective laws, policies, procedures, rules, or regulations.

Pursuant to the purposes and functions set forth in House Resolution 503, the Select Committee requests that you produce the documents described in the attached schedule in your custody, control, or possession. Please produce this information to the Select Committee no later than September 9, 2021. Please also make staff available expeditiously to meet with Select Committee staff to discuss document production priorities. An attachment to this letter provides additional instructions for responding to the Select Committee's request.

If you have questions, please contact Select Committee investigative staff at 202-225-7800.

Sincerely,

A handwritten signature in blue ink that reads "Bennie G. Thompson".

Bennie G. Thompson
Chairman

DOCUMENT SCHEDULE

Pending Requests

The Select Committee reiterates the requests made in the March 25, 2021,¹ correspondence from multiple committees of the House of Representatives, which the Select Committee subsequently joined, for documents and communications received, prepared, or sent between December 1, 2020, and January 20, 2021, relating to the counting of the electoral college vote on January 6, 2021, the potential for demonstration, violence, or attacks in the National Capital Region on or around January 6, 2021, and the events or aftermath of January 6, 2021.

Additional Requests

To the extent not included in the scope of the pending request described above, the Select Committee further requests:

1. All documents and communications between November 3, 2020, and January 20, 2021, relating to potential or actual changes in Department of Defense (DOD) senior personnel that include Presidential appointees, temporary, and acting officials.
2. All documents and communications relating to instructions to stop or delay the administration of activities to prepare for the transition of administrations.
3. All documents and communications relating to the potential use of military power to impede or ensure the peaceful transfer of power between the time of the November 3, 2020, election up through and including the inauguration of President Joseph R. Biden, Jr. on January 20, 2021.
4. All documents and communications concerning possible attempts by President Donald Trump to remain in office after January 20, 2021.
5. All documents and communications relating to planned protests, marches, public assemblies, or speeches in Washington, D.C., on November 14, 2020; December 12, 2021; January 5, 2021; and January 6, 2021.
6. All documents and communications concerning the use of law enforcement or military personnel during voting in the 2020 Presidential election.
7. From November 3, 2020, to January 20, 2021, all documents and communications relating to the possibility of invoking the Insurrection Act, including but not limited to documents and communications concerning that possibility with respect to preparation

¹ Letter from Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, et al., to Lloyd J. Austin III, Secretary, Department of Defense (March 25, 2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-03-25.House%20Committees%20to%20Agencies%20re%20Jan%206%20Attack.pdf>).

for the events of January 6, 2021, or with respect to responding to the January 6, 2021, attack.

8. From November 3, 2020, through January 20, 2021, all documents and communications relating to the establishment of martial law, requests to establish martial law, or legal analysis of martial law.
9. All documents and communications from November 3, 2020, through January 20, 2021, relating to defying orders from the President.
10. From November 3, 2020, through January 20, 2021, all documents and communications to, from, or referring to Kashyap “Kash” Patel, relating to civil unrest, violence, or attacks at the U.S. Capitol; challenging, overturning, or questioning the validity of the 2020 election results; or the counting of the electoral college vote on January 6, 2021.
11. All documents and communications to or from DOD personnel relating to the Washington Post opinion piece published January 3, 2021, authored by 10 former Defense Secretaries.
12. All documents and communications relating to the discussion of the possibility of revoking permits for the planned January 5th and 6th rallies, at a January 4, 2021, conference call involving former Acting Secretary of Defense Miller, Joint Chiefs of Staff Chairman Mark Milley, and other Cabinet officials.
13. All documents and communications relating to the designation of the Department of Justice as the lead agency for security preparation and response relating to the events of January 6, 2021.
14. All documents and communications internally expressing concerns about the Government’s ability to handle events that could or ultimately did transpire on January 6, 2021.
15. All documents and communications on January 6, 2021, relating to the deployment of law enforcement personnel or military assets to the U.S. Capitol or in support of others responding to the U.S. Capitol.
16. All documents and communications reflecting any directions from then-President Trump on January 6, 2021, to deploy National Guard at the U.S. Capitol on January 6, 2021.
17. All documents and communications reflecting any directions from then-Vice President Pence on January 6, 2021, to deploy National Guard at the U.S. Capitol on January 6, 2021.
18. All documents and communications relating to the release by DOD on January 8, 2021, of a timeline of the events of January 6, 2021.

19. All documents and communications relating to the initial denial by DOD officials that Lieutenant General Charles Flynn participated in meetings on January 6, 2021, relating to response to the attack.
20. All documents and communications relating to attempts by DOD officials to contact President Trump on January 6, 2021.
21. All documents and communications relating to actual or attempted conversations between any DOD official and President Trump or any other White House official on January 5–6, 2021, relating to the January 5th rally, the January 6th rally, and/or the January 6th attack on the U.S. Capitol.
22. From November 3, 2020 through January 6, 2021, all documents and communications concerning the role of the Vice President as the Presiding Officer in the certification of the votes of the electoral college.
23. From November 3, 2020, through January 20, 2021, all documents and communications relating to the Twenty-Fifth Amendment to the U.S. Constitution.
24. To the extent not included in the scope of items 1–23, all documents and communications, including those in the custody of the DC National Guard, the National Guard, the Office of the Joint Chiefs of Staff, the Joint Task Force-National Capital Region (JTF-NCR), and the U.S. Army Military District of Washington (USAMDW) relating to the November 3, 2020, election; the transfer of power up through and including threats of violence on January 6, 2021.
25. To the extent not included in the scope of items 1–23, all documents and communications and records, including those in the custody of the DC National Guard, the National Guard, the Office of the Joint Chiefs of Staff, the JTF-NCR, and the USAMDW relating to the January 6, 2021, attack on the U.S. Capitol.
26. Copies of all documents and communications already produced to other investigatory bodies, including, but not limited to, the Senate, House, Department of Justice, Government Accountability Office, and any offices of inspectors general, or to private entities or in response to FOIA requests, relating to events that could or ultimately did transpire on January 6, 2021.